

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND, SOUTHERN DIVISION**

NICOLE M. BRUNO

Plaintiff

vs.

DONALD ENSTE, et al.

Defendants

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Case: AMD03CV358

MOTION TO PERMIT FILING OF THIRD PARTY COMPLAINT

Defendant, Don Enste and No Stress Here, Inc. hereby move to permit the filing of a Third Party Complaint and for reasons states as follows:

1. Don Enste and No Stress Here, Inc. have been sued by Nicole Bruno for injuries allegedly arising when she fell from a bike rented from No Stress Here, Inc. dba: Dandy Don's Bike & Beach Rentals.
2. Counsel for defendants has just recently been able to locate and obtain the rental agreement for the bikes rented by plaintiff. A copy of that rental agreement is attached hereto.
3. Under the terms of the rental and waiver agreement, Joanne Seaman who was the adult guardian for Ms. Bruno at the time of the occurrence signed the rental and waiver agreement under which Ms. Seaman agreed to "release, hold harmless and indemnify Dandy Don's, No Stress Here, Inc., or its employees from any claim for injury or property damage...in any way related to my rental, riding or use of equipment."

4. If Dandy Don's, No Stress Here, Inc. or Don Enste are found liable to plaintiff for injuries and/or damages relating to the rental, then Ms. Seaman has a contractual obligation to indemnify and hold harmless these defendants.

WHEREFORE, defendants move to file the enclosed Third Party Complaint against Joanne Seaman for indemnification for any damages awarded in this claim.

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Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of August, 2003, a copy of the foregoing Motion to Permit Third Party Complaint was mailed, postage prepaid, to **Danny R. Seidman, Esquire.**, 80 Post Office Road, Waldorf, Maryland 20602-2709.

ANDREW B. GREENSPAN